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ABSTRACT

Intended for teachers and educational administrators in Illinois, the instructional program presents an overview of parent rights related to decisions in educational programming for handicapped students. Considered are eight major areas of parent/student rights--areas in which misunderstanding and problems are most likely to occur. Each topic is covered in a distinct module, consisting of general introduction to the topic, a presentation of applicable rules and regulations, a discussion of possible sources of parent misunderstandings, and a set of hypothetical problems on which knowledge of the topic can be tested. Sections of the document cover the following topics: working with parents, due process, evaluation/assessment, multidisciplinary staff conference, individual educational plans, placement, student records, support services, and suspension/expulsion. Appended is a glossary defining eight terms included in Article I of the Rules and Regulations to Govern the Administration and Operation of Special Education, such as standard education, special education, exceptional children, and least restrictive alternative. (IM)

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PARTNERSHIP WITH PARENTS

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. PARTNERSHIP WITH PARENTS

"A comprehensive program shall include:

. . . interaction with parents, and with other concerned persons, which facilitates the educational development of exceptional children." Rules and Regulations to Govern the Administration and Operation of Special Education, Article 2.02.

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PREFACE

This instructional program is designed to provide an introduction to parent/student rights; it is not intended to serve as a substitute for the formal documents upon which it is based. Therefore, as part of completing the package, it is recommended that the following documents be obtained and used for reference and review:

Education of all Handicapped Children: Implementation of Part B of the Education of the Handicapped Act. Washington, D. C. : Department of Health, Education and Welfare, Office of Education, August, 1977.

Rules and Regulations to Govern the Administration and Operation of Special Education. Springfield: Illinois Office of Education, 1976.

Rules and Regulations to Govern School Student Records. Springfield: Illinois Office of Education, 1976.

The School Code of Illinois. St. Paul: West Publishing Company, 1976.

The program is subdivided into eight distinct modules to reflect major areas of parent/student rights and, consequently, areas in which misunderstanding and problems are most likely to occur: due process, evaluation and assessment, multidisciplinary staff conferences, individual educational plans, placement, student records, support services and suspension/expulsion. The modules are arranged for completion as a single unit or as eight separate topics for consideration.

Each module consists of a general introduction to a topic, a presentation

of applicable rules and regulations, a discussion of possible sources of parent misunderstandings and a set of hypothetical problems on which to test your knowledge.

WORKING WITH PARENTS

Professionals working with parents of handicapped children must understand the variety of psychological reactions those parents may be experiencing. Guilt, rejection, hostility, anger, denial, blame and embarrassment may be present in parent reactions to discussions about their child. Any professional who ignores such underlying feelings and motivations may completely miss a parent's basic problem. At times, parents may need our help in identifying their needs and problems; certainly, they do not need our help in creating more problems through our insensitive reactions.

Perhaps the most important service we can render is to listen effectively. Roger Kroth in Communicating with Parents of Exceptional Children defines four types of listeners: The Passive Listener, The Active Listener, The Passive Non-Listener and the Active Non-Listener. The Active Listener, also described by other professionals (Dinkmeyer and Carlson, 1973; Gordon, 1970), is one who actively helps another person to identify his or her own problems. Kroth suggests that active listeners will reflect back to parents the feeling they hear being expressed. They will also use clarifying statements such as "I hear you saying . . ." to help the parent simplify complex verbalizations. This technique is sometimes referred to as a perception check. The active listener does not take over discussion, but rather allows the individual to express himself. As Kroth suggests, it is important to keep in mind:

"One of the major strengths of the use of active listening is that it keeps the problem where it belongs, with the parent. The teacher does not take over the problem by offering solutions or make the parent feel guilty by moralizing. She does try to clarify the problem and

help the parent put it in perspective. The reader who desires to find out more about active listening is directed to Thomas Gordon's book, Parent Effectiveness Training."

Active listening skills can be developed with practice and should be adopted by all professionals. The professional who works with benign or belligerent parents in staffings, conferences and hearings must be confident of his/her skills of communication. Techniques should be practiced until they are natural occurrences so total attention can be devoted to the subject rather than the process of discussion. Communication skills can be developed with practice, and fortunately most of us have the opportunity to practice daily with our family, friends and school associates.

Consider the following guidelines which can be used as criteria for the evaluation of our interactions with parents:

Listen. Be an active listener. Extend your complete interest and understanding to the parent. Let your body language relate openness. Maintain eye contact.

Involve parents in the child's school life. Tell parents the positive as well as the negative. Update them on progress or problems by phone calls, notes or personal conferences. Encourage parents to express their viewpoints and concerns.

Be positive. Express your program goals and objectives in positive terms. Help the parent understand that his/her child's success is your motivation for action. Devote extra effort to the problem child/problem parent. Go the "extra mile" to promote parent understanding of the school's position before conflict arises.

Be objective. Remember that a calm explanation of sensitive areas can defuse potential anger. Never let your personal feelings overwhelm your professional obligation to the child and parent. Make certain you can justify the decisions made concerning a child's program, evaluation, placement, case-study or suspension based on understandable objectives.

Be prepared. When holding a conference with a parent, have your goals clearly stated. You may wish to write a brief outline of topics to be discussed; leave "room" for parent interests. Consider possible variables which might affect the discussion and postulate alternative responses in advance.

Smile. A confident, pleasant manner eases parent anxieties and may forestall the occasional belligerent person.

References

Dinkmeyer, D. N. and Carlson, J. (Eds.), Consulting: Facilitating Human Potential and Change Process. Columbus, Ohio: Charles Merrill, 1973.

Gordon, T., Parent Effectiveness Training. New York: Peter H. Wyden, 1970.

Kroth, R., Communicating with Parents of Exceptional Children. Denver, Colorado: Love Publishing Company, 1975.

DUE PROCESS

Just a few years ago, boards of education, school systems and their professional staff were often viewed by themselves and by society as being above reproach. When teachers and school administrators made decisions concerning the education of children, only the "foolhardy" dared to question them. Parents were often discouraged from expressing opinions concerning their child's education by the societal perception of the school's "right" to this domain.

Times have changed; individual and class action suits have been directed against school boards previously considered invulnerable to the legal process and student/parent rights have become issues in school districts of all sizes. Courts have handed down decisions ranging from "minor" issues such as length of hair to issues as complex as the student's right to be able to read after graduation from high school.

Parents and school districts have an avenue of constructive arbitration through the guarantee of due process. Parents who do not agree with a teacher or special service team concerning their handicapped child's classification, evaluation and/or educational placement may seek resolution of their disagreement by informing the district of their concern and requesting an impartial hearing.

Illinois has developed several documents to address the issue of parents' rights including the Rules and Regulations to Govern the Administration and Operation of Special Education and Rules and Regulations to Govern School

Student Records. These documents contain step-by-step guidelines for dealing with the identification, evaluation and placement of exceptional children and due process procedures.

The local district must develop and implement procedures for creating public awareness of special education and for advising parents of the rights of exceptional children. In addition, the local district must inform parents of their rights to an impartial hearing and of the procedures to follow in making a request for such a hearing.

Legal Requirements

The rules and regulations which follow are provided only as an introduction to the area of due process. As part of your consideration of parent rights, you should also completely review:

Rules and Regulations to Govern the Administration of Special Education. Springfield: Illinois Office of Education, August, 1976.

Rules and Regulations to Govern School Student Records. Springfield: Illinois Office of Education, 1976.

Education for All Handicapped Children Act, Public Law 94-142, Section 612 (5) (A)-615.

1. A hearing may be requested by the parents or the school district regarding, but not limited to, the following:
 - a. objection to signing consent for a proposed case-study evaluation
 - b. failure of the school district to provide a case-study evaluation upon request of the parents
 - c. failure of a school district to consider evaluations completed by qualified personnel outside the district
 - d. objection to a proposed placement, change in placement
 - e. failure of the local school district to provide a special education placement consistent with the findings of the case-study evaluation
 - f. failure of the local school district to provide the least restrictive special education placement appropriate to the child's needs

- g. provision of an insufficient amount of supportive services to meet the child's needs
 - h. a suspension totaling 10 or more school days in a given school year of a child in special education or who is eligible for such services
 - i. recommendation for the graduation of an exceptional child,
- Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.01.

2. The local school district must inform the parents of their right to a hearing and of the procedures to follow to make a request for such a hearing, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.02.
3. A request for a hearing shall be made, in writing, to the superintendent of the local school district in which the child is a resident. Such a request shall contain the reasons the hearing is being requested and all other information pertinent to the request, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.03.
4. Within five school days of the request for a hearing, the local school district shall request the appointment of an impartial hearing officer and all communications between the hearing officer, the Illinois Office of Education and the local district, shall be directed to both the person requesting the hearing and the parents, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.04.
5. If the district decides not to honor the request for a review the parents shall be notified of this denial and the reasons for it within ten calendar days of the request. The parents may appeal such a denial directly to the Illinois Office of Education, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.05.
6. The hearing shall be held at a time and place convenient for the parents not later than thirty school days after the appointment of the hearing officer. The educational status of the child will not be changed, pending the completion of the due process proceedings, unless the superintendent or designee decides that such change would be warranted due to immediate physical danger to the child or other persons. In such a case, the local district must provide an appropriate interim placement, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.07.

7. Except for representatives whose presence is requested by the parents or the school district, the district shall require that the hearing be closed to the public, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.08.
8. The hearing officer shall require that interpreters be made available by the local school district for persons who are deaf or for persons whose normally spoken language is other than English, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.09.
9. The parents of the child and the local school district or their respective representatives shall have a right to present testimony and question all witnesses at the hearing, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.12.
10. Within ten school days after the conclusion of the hearing, the hearing officer shall issue findings and recommendations, by certified mail, to the district and parents, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.15.
11. A verbatim typewritten transcript of the hearing procedures shall be made by the district and reviewed by the parents. Parents may appeal to the Illinois Office of Education by submitting a written request for a state-level review to the local district superintendent within fifteen school days of their receipt of the decision of the school district, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 10.17.
12. A court-appointed guardian or custodian shall be entitled to rights and privileges accorded to the natural parent of a child resident in the district, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 11.01.
13. If the parent is unavailable or inaccessible and the local school district has reason to believe that a child advocate is needed, the Illinois Office of Education shall appoint such advocate, Rules and Regulations to Govern the Administration and Operation of Special Education, Articles 11.02, 11.03.

The Parent Perspective

It is unusual for a parent to "hassle" the school for the sake of creating a problem. In most instances, disagreement arises over a perceived failure of the school to adequately provide for parent rights or the needs of their child.

Many disagreements leading to the parents' seeking a due process hearing could be avoided if we, as educators, viewed the situation from a parent perspective:

Consider what parents are seeking. Basically, parents want what's educationally best for their child, and they do not want to be unnecessarily inconvenienced in obtaining it. Further, we should consider the fact that many parents no longer want decisions to be made for them; they want to participate and, to do so, they need to be informed.

Consider the characteristics of the parent. There are few things more difficult to make than a "blind" investment, especially one so important as a child's future. Parents often lack the knowledge of the procedures we use or the implications of decisions we make. In addition, parents may not be informed as to the services and programs available to their child or the benefits to be accrued through their use. Yet, we ask them

to support our recommendations. Parents have not been trained to participate: remember, historically, they were often omitted from any decision-making regarding their child's education.

Consider the parents' feelings related to the handicap. There are many personal implications of being the parent of a handicapped child. Parents may feel guilt, shame, anxiety; they may hope to find a "cure" for their child via the educational setting. The answers we provide may seem more like a complication than a resolution.

Examples

Consider the following hypothetical situations which might lead to disagreement between parents and the school district. For practice, you may wish to respond to the questions related to the examples and compare your answers to those of other staff members.

Example A

A child is placed in a self-contained classroom for trainable mentally handicapped children. The child appears to be functioning at a level somewhat higher than his classmates. The teacher is aware of this; the parents become increasingly aware of it through progress reports from school. The school district, due to lack of finances and because of their efforts to comply with the "Least Restrictive Environment" intent of Public Law 94-142, has no self-contained classes for educable mentally retarded children; all EMH children are "mainstreamed." The parents demand that the child be given other placement; the teacher feels morally responsible to agree that the child should receive a more "academic" program, but recognizes that the child could not presently function in a regular class placement.

Questions:

1. What is the teacher's responsibility in this situation? What is the support staff's (psychologist, social worker, etc.) responsibility? What is the district's responsibility?

2. What are the district's legal obligations to the parents in this situation?
3. What alternatives do the parents have?
4. What would you do as the parent of this child?
5. What would you do as the administrator of this district?

Example B

A child in third grade is failing in his subjects; he can't read above a first-grade level and has few functional math skills. The teacher has noticed that he often fights on the playground, cries unexpectedly and does not even attempt to perform assigned tasks. He requests a psychological evaluation and a case study. A notice of consent to evaluate and perform a case study is sent to the parents who are Puerto Rican. The parents, who read little English but wish to comply with school requests sign the form. After a full case study is completed, the parents are requested to attend the placement staffing where, for the first time, they learn the school is suggesting that their child be placed in a class for mentally handicapped children. They violently oppose this action.

Questions:

1. How would you as the conference coordinator endeavor to defuse this immediate situation? (You may want to role play this conference.)
2. What would be your response as administrator of this program when informed of the staffing results?

3. Are there alternative solutions? What are they?
4. What action might have prevented the controversy had the law been accurately adhered to?
5. What action could be taken to correct this situation?

Example C

A child in a class for educable mentally handicapped children has shown progress and performs within the upper-middle range of the class in academic work. She is unusually socially aware for her age and has satisfactory verbal skills. The teacher has often been puzzled by the gap between her social ability and her academic skills which are uniformly three grade-levels below her age, but repeated psychological evaluations and testing of her academic skills have reaffirmed that she is a mildly retarded child. Her parents, however, are sure that she could do well in a regular fifth-grade class. They have talked to the teacher and the principal several times and now, at the annual review, have become adamant concerning a change in placement. They refuse to believe the slow rate of learning is not due to the fact that she has not been challenged enough in the special class. The child's father stated, "You don't give her hard enough work." Both parents verbally attacked the psychologist, the teacher and the administrator, refusing to believe that the present placement is correct.

Questions:

1. As the psychologist in this situation, how might you react?
2. As staffing coordinator or administrator, what position should you take with the parents?
3. Can you identify with the parents' position? What problems might be underlying their attitude? What could you do to help them accept the situation?
4. Could the continuation of the present placement be justified?

CASE-STUDY EVALUATION/ASSESSMENT

While most educators would agree that "labeling" a handicapped child is often more harmful than helpful, they are forced into a paradoxical situation. Handicapped children must be categorized in order to receive special education services. This categorization is usually determined on the basis of an evaluation or assessment of the child's learning potential, mode of communication, developmental/physical disabilities and academic skills.

In the past, for example, many children were labeled as "mentally retarded" on the basis of a single professional opinion usually based on the results of a single standardized test. Due to an increase in the number of class action suits dealing with this issue, a more humanistic approach to special education and an increase in legislation regarding the rights of handicapped citizens, specific guidelines have been written by federal and state educational agencies to assure more precise decision-making based on nondiscriminatory testing. All testing must be conducted in the child's native language and must take into account the child's cultural background and mode of communication. Public Law 94-142, Section 612 (5) (C).

Guidelines developed in the state of Illinois now require that a formal case study be completed and that parental permission be obtained prior to initiating it. The case study evaluation, on which numerous decisions will be made, must include an interview with the child; consultation with the child's parents; a social/developmental study; a report regarding the child's medical history; a vision and hearing screening; an academic assessment;

an assessment of the child's learning environment and other specialized evaluations related to the child's unique problems (Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.09).

Legal Requirements

1. No child who comes from a home in which a language other than English is the principal language used may be placed in a special class or program until he has been given, in the principal language used in his home, tests reasonably related to his cultural environment, The School Code of Illinois, Article 14 8.01.
2. When a child is given a comprehensive case-study evaluation, the parents shall be notified in writing of the reasons for the evaluation, tests to be used, and they will be asked for signed consent, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.05.
3. The child shall be given an evaluation appropriate to the nature of the problems which caused the referral, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.09.
4. Each case study evaluation shall be conducted so as to assure that it is linguistically, culturally, racially and sexually nondiscriminatory, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.11; Public Law 94-142, Section 612 (5)(C).
5. The parents may obtain an independent evaluation by qualified professional personnel outside the school district. The results of such an evaluation shall be considered in determining eligibility and need for special education placement, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.12; Public Law 94-142, Section 615 (b) (1) (A).
6. The case study evaluation must be completed within sixty (60) school days from the date of referral, The School Code of Illinois, Article 14 8.01; Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.20.

A Parent Perspective

Professionals have often assumed that parents were not interested in or would not understand the nature and/or results of tests administered to their children. In fact, educators and other professionals took great care not to reveal exact scores to parents.

Times have changed and, with more parents becoming aware of their rights to review test scores and other data concerning their child, so must our procedures. The following guidelines should be considered when discussing test results with parents:

Inform parents of the reason for the evaluation and how the results are to be used.

Tell the parents the name of the test, the type of score it yields and the purpose for administering the test. Avoid using acronyms in place of the full name of the test. Parents may not know what terms such as the WRAT, WISC or ITPA stand for.

Explain test results in behavioral terms. Test scores, alone, are often confusing and meaningless to parents. A description of specific tasks the child was able to perform on the test will be more beneficial to parent than telling them that "He received a 3.2 in reading on the WRAT."

Indicate which test items or tasks were most difficult for the child.

Since many standardized tests are designed for a wide age range, i.e., for children between the ages of 6 and 10 or grades K-6, a child may be tested on material which has never been introduced to him in the classroom. We would not expect a child who is beginning second grade to accurately complete items on a mathematics test dealing with multiplication or division. It is important, therefore, to explain test results to parents in terms of their child's performance in relation to his/her age, ability or grade placement.

Point out the positive aspects of a child's test performance. Too often we inform parents of their child's weaknesses, forgetting to mention or describe his strengths. Tell the parents which skills their child has developed. If a child can now recognize ten words by sight, when he did not even recognize all of the letters of the alphabet two months ago, he's made a significant accomplishment.

Tell the parents which diagnostic results you intend to place in the child's permanent record and inform them that they are entitled to a copy of the results and recommendations of the evaluation.

Examples

Consider the following hypothetical situations related to evaluation which may lead to disagreement between parents and the school district:

Example A

A child moves into the school district in the middle of the year. His parents are migrant workers and speak very little English. The school district decides to place the child in a special education class to "observe" him. The parents are merely informed that their son will be assigned to Mrs. Jones' room. The guidance counselor administers a group intelligence test which yields an IQ of 71. The school district informs the parents that their child is "mentally retarded" and will be placed in an EMH class. The parents are opposed to this placement.

Questions:

1. Did the school district follow appropriate procedures for evaluating the child? If not, which procedures were violated?
2. What recourse do the parents have?
3. What would you advise the parents to do in this situation?

Example B

A staffing is being held to discuss programming for Jimmy Smith who is

presently enrolled in a third-grade classroom. Jimmy was referred by his teacher because he was experiencing difficulties in reading and spelling. He consistently reverses words and letters and is performing on a readiness level in all academic areas.

He was evaluated by the school psychologist who administered a battery of tests which the teacher clearly felt was inadequate for making a diagnosis. At the staffing, the psychologist recommended that the child remain in his regular third-grade class with no specialized services.

Questions:

Assume that the psychologist's report was not seen by or discussed with anyone prior to the staffing.

1. As a teacher, how would you react, realizing that the parents were present?
2. What procedures would you follow to assure that a more adequate evaluation was completed?

Example C

For two years, Mr. and Mrs. Jones have refused to grant their permission for a case-study evaluation of their child who is experiencing increasing difficulties in coping with the social and academic environment at school.

Questions:

1. What steps would you take to counsel the parents in this situation?
2. What data could you present to them to support the need for a case-study evaluation?
3. What procedures would you follow if the parents continued to refuse to allow their child to be evaluated?

MULTIDISCIPLINARY STAFF CONFERENCES

After a child has been referred for special education services and a case-study evaluation has been completed, a multidisciplinary staffing or conference is held to determine what will constitute appropriate placement and to develop an individualized program for the child.

Staffings are usually held for one of three reasons: 1. to determine the child's eligibility for a specific program or service, 2. to review the child's progress after placement in a program or 3. to discuss possible changes in the child's class placement, program or support services.

Personnel who have evaluated the child, provided a service to the child or have been involved in developing the child's program should be present at the staffing or should submit a report of their findings for team review. Participants might include, but would not necessarily be limited to, school administrators, classroom teachers, school psychologists, social workers, support service personnel, personnel from outside agencies and the parents.

The purpose of the staffing should be to review background information, to identify the child's educational needs, to determine the degree of special education intervention needed and to develop an individual educational plan for the child.

Again, the state of Illinois has developed specific guidelines to assure parental participation in staffings. Complete guidelines can be found in The School Code of Illinois and in Rules and Regulations to Govern the Administration and Operation of Special Education.

Legal Requirements

The following specific regulations applying to staffings are provided for your review:

1. No child shall be eligible for special education services except with a carefully completed case-study evaluation reviewed by professional personnel in a staff conference, The School Code of Illinois, Article 14 8.01.
2. Parents must be allowed to present professional testimony and additional information regarding their child's eligibility, The School Code of Illinois, Article 10 22.41.
3. Parents must be notified of the time and place of the staffing and invited to attend, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.15 (2).
4. The parents must be provided with an interpreter if they speak some language other than English or are deaf, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.15 (2).
5. A written report of the results and recommendations of the staff must be prepared and kept on file by the local school district, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.18.
6. The multidisciplinary staff conference must be held within sixty (60) school days of the date of referral, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.20.

A Parent Perspective

The policy of inviting parents to participate in multidisciplinary staff-conferences is a recent addition to special education guidelines in Illinois. Before this policy was established or implemented, evaluation results or placement decisions were usually communicated to parents during a conference attended by a small number of people, generally, by the child's teacher and a school administrator or by a school psychologist.

Some parents may feel threatened by conferences attended by a large number of professionals, particularly if they have previously not attended a staffing. It is very important, therefore, to provide for parent comfort while they participate.

We can facilitate their participation by following established guidelines:

Appoint one person to coordinate the conference. The coordinator should introduce the parents, call on each professional to give his report and refer questions to the appropriate person. Assigning these responsibilities to one person will assure efficient use of time and continuity of the discussion.

Introduce participants in the staffing to the parents. Remember how you felt on the first day of a new job when you were introduced to ten new people all at the same time. Could you remember all of their names?

Providing a list of the names and positions of professionals attending the staff conference is one procedure for assisting parents in relating to the professional participants.

Information provided by professional personnel should be relayed in a conversational manner. It is difficult to follow a discussion in which one person reads through a lengthy written report or an elaborate list of test results. Most of us can remember how difficult it was to pay attention in college classes taught by professors who read page after page out of a textbook; don't impose this type of situation on parents.

Avoid using educational jargon with which the parents may not be familiar. Imagine how confused parents would become if their child was described as " . . . manifesting symptoms of minimal cerebral dysfunction including hyperkinesis, mixed laterality, strabismus and poor perceptual integration."

Be sensitive to and aware of the parents' educational and cultural background. It is important to reach a "happy medium" between talking over a parent's head and insulting his/her intelligence by over-simplifying communication.

Encourage the parents to ask questions. Some parents may feel overwhelmed by the number of professionals attending the staffing and may feel that as "mere parents", they have nothing to contribute. Therefore, it is important to draw parents into the discussion as soon as possible.

Keep the conversation at a professional level. For example, while knowledge of a pending divorce might explain a child's recent disruptive behavior, a discussion of whose fault it is, what the charges are and which parent will get the Cadillac will do little to help the child with his learning difficulties. Staffings are not the time or place to discuss personal values, critique a person's life style or discuss moral issues.

Explain the rationale behind the placement recommendation and describe alternative placements or services available. Parents will be more willing to agree to a special class placement if they understand that it is the best alternative for their child.

Examples

Review the following hypothetical situations which could create problems between the school district and the parents.

Example A

During a staffing in which parents are participating, the school psychologist presents information suggesting that the parents' drinking problem is affecting their child's ability to perform in school. His inferences are based on the child's verbally indicating that his parents drink excessively. The parents are indignant and reply that their drinking habits are none of the psychologist's business and his opinions have no place in planning for their child.

Questions:

1. Are the parents correct?
2. If the parents' drinking was affecting their child, how and where might then information have been presented more effectively? By whom?
3. Was the psychologist correct in presenting this information?

Example B

One of the problems which frequently occurs at staffings is parental

misunderstanding of or negative reaction to labels used by professionals to describe their child.

Questions:

How would you explain the following conditions to parents without labeling their child or causing a parent to react negatively?

- a. Trainable mentally retarded
- b. Learning disabled
- c. Educable mentally retarded
- d. Behaviorally disordered
- e. Hyperactive

Example C

At 1:00, the appointed time for a staffing, the professional team was assembled and the parents were seemingly not present. After fifteen minutes, one of the staff members questioned where the parents were. The teacher, who had been involved in a conversation in the hallway indicated that she had seen them by the principal's office and when they disappeared, she assumed they had gone to the meeting. In fact, they were sitting in the waiting area in the principal's office.

Questions:

- 1. How might this situation have been avoided?
- 2. What procedures have you or could you develop to assure that parents are appropriately treated when they attend staff conferences?

INDIVIDUAL EDUCATIONAL PLANS

Historically, parents were frequently so relieved to have their handicapped child placed in any educational program that they didn't question what was being done or why. Today, parents are much better informed and, in fact, often serve as advocates for improved programming for exceptional children. This emphasis on improved programming has produced greater expectations related to children's performance, and, over the years, the increase in academic skill development of handicapped children as a group has been noteworthy. Continued expectation of excellence, plus improved educational planning, could produce even greater gains.

All special educators are aware of the impact of Public Law 94-142 which requires a definite statement of individualized objectives, the child's present performance in each objective area, the procedures by which the objectives will be met and evaluation schedules and methods by which progress will be determined. Parents have the right to be informed of the purpose of their child's program and to expect that it will be rationally geared to their child's individual needs. Objective-based programming will clearly respond to their interests. The individual educational plan which represents combined decision-making at a staff placement conference not only provides a program for the child, but assures parent participation in the development of the program.

Not only should objectives for a child direct the type of program developed in a special classroom, but they should also guide decisions related

to "mainstreaming" and adequacy for support services the child receives.

Legal Requirements

The Illinois Rules and Regulations to Govern the Administration and Operation of Special Education deal specifically with individualized programming:

1. Special Education instructional programs shall be designed in direct response to the educational needs of exceptional children, Article 4.01.
2. Student-based objectives shall be developed by each type of special education instructional program, Article 4.01 (2).
3. A curriculum of educational experiences adaptable to individual needs, interests or abilities of each child shall be developed for each type of instructional program, Article 4.02.
4. Integration into a standard program of a student enrolled in a special education instructional program shall be determined in relation to the individual objectives established for the student, Article 4.05.
5. Specific objectives shall be established for each child who receives special education supportive services, Article 5.04.

A Parent Perspective

You might be saying, "We've based our program on individualized objectives for years; so, what's new?" From an interaction point of view we must consider several areas. It's often the case that two teachers working together cannot clearly interpret objectives written by each other.

Think of the problem this might create for parents who participate in planning or who review a child's program. To be useful, objectives and programs we develop should be easily understandable to parents. We can assure that they will be easily understood if we follow a basic set of guidelines in their development:

Avoid education jargon. Parents wish to be informed, not snowed under. It took at least four years of college and vast experiences for professionals to acquire such phrases as "hyperactive", "learning disabled" or "functional level" in their repertoire. Parents can be intimidated by jargon or educational terminology; they can be of assistance if we discuss their child's performance in terms of real behavior.

Show behavioral progress indicators or performance measures rather than scores. Parents want to know that their child is making progress. With exceptional children, progress is rarely described in terms of

letter grades; nor does showing a grade level change on a test really tell the parent what is happening. We can define the objectives, i.e., behaviors, a child was working toward in our program and clearly show which have been mastered . . . the progress the child is making.

Relate objectives to educational program decisions. Include "outside" placement and support services. "How did you decide that a self-contained classroom was the best alternative for my child?" A legitimate question for parents to ask. Schools are required to justify and record decisions regarding the placement of a child and the absence of services which parents think are important. We should be able to relate the developmental characteristics of their child and the objectives he is going to meet to the particular program we've selected. If we can't, the parents may have a legitimate point . . . we should re-evaluate the program. Never should our decision be based on availability of support services.

Relate objectives to needs parents may have observed. "Your child is being placed in an intensive behavior management program". This would be a difficult statement for parents to accept when their child's behavior seemed angelic at home. We should start by introducing the parents to the problem, e.g., "Have you noticed how Johnny begins to hit when he plays in groups of children?" It is then possible to relate the program

for the child to the resolution of the problem. For example, "By gradually phasing Johnny into large-group activities, we hope to reduce his hitting behavior."

Tie objectives to larger goals for the child. Many objectives may appear to have little relationship to anything practical. For example, objectives related to eye-hand coordination may seem to be "fun and games" to parents. However, when they are related to the child's being able to read or tie his shoes, which in turn relate to the child's overall development, parents may be very responsive.

Examples

Consider the following hypothetical situations which may have led to major disagreements between the parents and the school district.

Example A

A teacher, in conjunction with the multidisciplinary planning team, has developed an extremely clear, well presented set of objectives on the Individualized Educational Plan (IEP). The parent, after reading the plan, supported the objectives and looked forward to the predicted outcomes being accomplished. Yet, at the end of the year conference, the staff had to report that the objectives for this child had not been met.

Questions:

1. What factors would you want to consider in determining why the plan had not been realized?
2. How would you explain "over-expectation" to parents?

Example B

Your staff has met and developed an IEP for a particular child. All components of the plan are present and directly related to the child's needs based on the preliminary case/study and assessment. The child's parents

elect to attend the meeting at which the plan is presented and, after hearing it, reject the plan as unsuitable for their child.

Questions:

1. What steps would you take to assure the quality of the plan and its implementation?
2. What advanced steps could be taken to facilitate parent understanding and receptivity to programming for their child? By whom?
3. What data or materials might you bring to a parent meeting in support of the content presented in an IEP?

PLACEMENT

The Education for all Handicapped Children Act, Public Law 94-142, mandates that each state provide a free appropriate public education to all handicapped children. Through the work of professional organizations and parents of handicapped children, the federal government has now fully recognized the rights of all children, including those with handicaps, to a free education. Stringent guidelines for the implementation of Public Law 94-142 have been established which each state must follow if funds are to be obtained.

One of the requirements of Public Law 94-142 is the need for a child to be placed in the "least restrictive environment". Not only is it the responsibility of a school district to provide a free, public education to all handicapped children, it is necessary that the educational program be carried out in the least restrictive environment for a given child. Whenever possible, handicapped children must be educated with children who are not handicapped and placement in a special class, special school or private facility should occur only when the nature of severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, Public Law 94-142, Section 612 (5) (B).

As more parents are informed of their rights to participate in decision-making related to their children, a greater number of questions will be raised regarding the appropriateness of their child's educational placement and program. It is imperative, therefore, that school personnel be familiar with the specific

guidelines established for placement decisions.

Legal Requirements

Illinois has already implemented specific procedures which deal with the placement of handicapped children. The major rules and guidelines are summarized below.

1. School districts must provide special education facilities for handicapped children residing in the district, The School Code for Illinois, Article 14 4.01.
2. If the child, because of his handicap, attends classes or a special school in another district, the school district in which he resides must provide transportation and pay the per capita cost of that child's education, The School Code of Illinois, Article 14 7.01.
3. If the child attends a private facility due to special needs which the local district cannot provide, the local district must pay tuition or \$2,500 per year, whichever is less, and provide the necessary transportation. Districts are exempt, however, from having to provide transportation to residential schools, The School Code of Illinois, Article 14 7.02.
4. After being declared eligible for a special education program, the child must be placed in that program by the beginning of the next school semester, The School Code of Illinois, Article 14 8.01.
5. The district must provide support services while the child is awaiting placement, The School Code of Illinois, Article 14 8.01.
6. Placement recommendations made at a multidisciplinary staff conference shall be determined by consensus of the participating public school personnel, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.17.

7. The local school board has the authority to place students in special education programs. The board may authorize the director of special education to determine such placements, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.19, The School Code of Illinois, Article 10 22.41.
8. Eligibility for placement in a special education program must be determined sixty (60) school days after the referral was received, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.20.
9. At least ten (10) days prior to the placement of the child, the parents must be notified, in writing, of the results of the case study evaluation and the nature of the proposed placement, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.21.
10. If the parents object to the placement within ten (10) school days after receiving their notification, the district must arrange a conference to try to resolve the situation. If the parents continue to object, they may request a due process hearing, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.23.
11. The educational status of the child must be reviewed annually, Rules and Regulations to Govern the Administration and Operation of Special Education, Article 9.25.
12. Parents must be notified, in writing, of any change, termination or continuation of the child's placement at least ten (10) days prior to any change, etc. They must be informed of their right to object to the decision, Rules and Regulations to Govern the Administration and Operation of Special Education, Articles 9.26, 9.27, 9.28, 9.29.

A Parent Perspective

Parents who have taken an active part in their child's education and have been properly informed about case-study evaluations and staffings concerning their child are apt to be well prepared when school personnel approach them to discuss special class placement. On the other hand, parents of children with mild handicapping conditions which were not discovered until the child was in school for a few years, or parents who have not taken an active part in or who have not been kept well-informed of their child's education, are likely to be shocked, confused and apprehensive when the possibility of special class placement is proposed.

Parents want the best for their children. Therefore, they find themselves in a decision-making dilemma when they deal with the placement of their child in a special program. While parents may agree that a special/class setting will offer many educational advantages to their child, they may also have strong feelings about their child being singled out, labeled and treated differently than other children.

Parents are apt to raise many questions concerning their child's placement. The following list represents some of the typical questions asked by parents and possible motivation for their being raised. We should be prepared to respond to each question.

What kind of class will my child be attending? Parents are not likely

to be familiar with the terms we often use to describe special classes. Terms such as "resource room", "TMH self-contained classroom", "Orthopedically Handicapped Class" or "LD itinerant services" need to be fully explained to parents. Many times a visit to the proposed classroom will help parents to better understand and accept the placement.

Will my child have to be labeled? Parents are concerned about the possible stigma placed upon their child when he/she is identified as an exceptional child.

In what type of academic programs will my child participate? Parents are concerned with their child's acquisition of the "basic skills". Therefore, we should indicate, as often as possible, how those skills will be included in the child's total program and the importance of other objectives as a priority to the child's development.

How will this placement benefit my child? Parents are concerned that their child is being removed from a "regular program" which they are already familiar with and understand. Therefore, it is always important that we relate specialized programs to the child's individual needs and clearly indicate the anticipated outcomes of those services.

How many children will be in the class? Parents do not want their child to be isolated in a "strange" environment. We must assure them that placement with a smaller number of children will benefit their child through the meeting of his unique learning needs.

How should I explain this placement to my child? Parents are not only concerned about the program for their child, but his reaction to it. Suggest alternative ways in which they can familiarize the child with the program, including a visit to the proposed classroom.

Will my child have to go to a different school? Parents are going to be concerned with such things as transportation, proximity to home, lunch programs and enrollment procedures. In cases where a move to a different school is required, we should be prepared to deal specifically with parent concerns and their anticipated problems.

Will my child be able to interact with children in a regular classroom? Parents are concerned that their child will be "different". We should stress the number and types of opportunities the child will have for normal peer interaction both in our planning for the child and in our discussion with the parents.

What kind of special services will my child receive? Parents may be concerned that services which have been offered previously might be discontinued. We should be prepared to relate the services a child will be receiving to the developmental objectives for the child. Also, we should provide the parents with a complete description of the service and the schedule for providing it. When possible, introduce the parent to the specific person who will provide the service.

How do I get my child "out of the placement" once he's in it? Parents may perceive that a placement is a temporary situation. We should inform parents that their child might require special services for an extensive period. However, we should assure them that an annual review will be conducted to determine the continued appropriateness of the placement and inform them of their right to request a review of the placement at any time.

Examples

Review the following hypothetical situations which may have created major problems between the parents and the school district.

Example A

After a case-study evaluation and multidisciplinary planning session was completed for a child, the staff found that the recommended LD placement was unavailable in the district. Consequently, the child was placed in an EMH program for an indefinite length of time until a more appropriate program could be established or located.

Questions:

1. Was this placement appropriate?
2. What alternatives could the staff pursue?
3. What options would parents have in this situation?
4. What procedures should the district have followed?

Example B

A child who has been in a classroom for the educably mentally handicapped for three years appeared to be making very little progress both socially and academically. After evaluation of the program and the learner's existing

skills, it was determined that he would benefit more by placement in a program for trainable mentally retarded children. Upon hearing this recommendation at the staffing, the parents objected strenuously.

Questions:

1. What variables might be effecting the parents' attitudes regarding this recommendation?
2. What procedures would you follow in working with the parents?
3. Would you place the child in the TMH program if the parents continue to refuse permission?
4. What options are available to the parents at this point?
5. What information should you have available to support your viewpoint at a due process hearing?

STUDENT RECORDS

Congress has amended Public Law 93-380 to include the Family Rights and Privacy Act. This legislation made all personal records available to an individual at the age of 18 or to his/her guardian before that age. Prior to this enactment, private records could be established and maintained without notifying the person involved. National emphasis on civil rights spotlighted this infringement on personal liberty, creating the climate which encouraged the legislation of 1974 and subsequent enactments.

The prospect of record review by great numbers of individuals caused some school and university administrators unnecessary fear, although publicity generated through the media would have indicated otherwise. The imagined rush to see records never developed. The knowledge that records would be open to review by children and parents caused a flurry of "housecleaning" prior to the effective date of the law. Professional workers who had in the past been trained to keep all notes and observations, even those made subjectively, suddenly realized how that information would look to the person about whom it was written. Files were purged of unnecessary information. New material added to files was carefully phrased to include only factual material which the writer could support objectively; non-supported, inferential material was dropped.

Parents must now be informed by the school district of their right to inspect any files kept on their children. Procedural safeguards have been established to allow parents to "object" to any material in the file and to insert descriptive or explanatory information. Each file must have a section

for recording the name of anyone seeing the file, the date and the reason for the review. This sheet is generally attached to the front cover of the file.

While no private files may be kept, private notes, i.e. those known only to the writer and not presented to others, may be used by the social worker, teacher or other professional to provide a written record for preparing reports. If this private record is known or shared by even one other person, it must be opened to the parent and the child.

The major effects of this legislation were the reduction of information carelessly placed in files and the assurance that filed information was objective and not merely an opinion or, worse, gossip. Professionals should be constantly aware that their data collection will be under scrutiny.

In addition, this law classifies information into two categories: temporary and permanent. Permanent information consists of the child's name, birthdate, last known address, parents' names, attendance records and transcript. This information is filed by the school in accordance with the Illinois Record Retention Act. The time a record is maintained differs between general education and special education.

Temporary information is considered to be all other material in the child's school file. This information can be reviewed and removed at any time, providing the parent is informed prior to doing so. The parent may review the file prior to purging.

The concepts of the Family Educational Rights and Privacy Act were reinforced through the passage of Public Law 94-142 Section 617 (c) of that act provides that the Secretary of Education shall assure " . . . the protection of the confidentiality of any personally identifiable data, information . . .

collected or maintained by the commissioner and by state and local educational agencies pursuant to the provisions of this act". The act also reinforces the requirement that parents must be given the opportunity to see school records at any time. Parents must be notified of this right prior to transfer of records and before any hearing is held on a matter of identification, evaluation or placement of a handicapped child.

In April, 1977, Section 504, the handicapped civil rights provisions of the Rehabilitation Act of 1973 was implemented. These regulations have had a major impact on the public schools. As part of the "appropriate education" requirements of P. L. 94-142, schools must give parents access to a set of procedural safeguards to be followed when the parents contest an identification, evaluation or placement decision. Minimum due process standards include notice, an opportunity for the parents or guardian to examine relevant records, an impartial hearing with opportunity for participation by parents and representation by counsel and a review process.

State of Illinois Rules and Regulations to Govern School Student Records (based on the Illinois School Student Record Act of 1975), conforms very closely with the federal legislation. Professional workers in Illinois have firm guidelines within which to work; parent and student rights are clearly defined in the federal and state legislation.

While several of the preceding points have been abstracted from the regulations affecting student records and their review, part of your study might include reading the following documents:

Family Educational Rights and Privacy Act of 1974, Public Law 93-380, Title IV, Section 438, as amended by P. L. 93-588.

Education for all Handicapped Children Act, Public Law 94-142, Section 613 (b) (1) (B).

Rehabilitation Act of 1973, Section 504, (Regulations effective April, 1977).

Illinois School Student Record Act of 1975, (Rules and Regulations to Govern School Student Records, effective March 24, 1976).

Legal Requirements

The following regulations affecting student records have been isolated from The School Code of Illinois and Rules and Regulations to Govern School Student Records. Again, these major points are intended to provide an introduction not to serve as a substitute for the original documents.

1. All persons accorded rights or obligations under the Illinois School Student Records Act must be informed of such rights and obligations, The School Code of Illinois, Article 50-3-b).
2. Notification of their rights under the Illinois School Student Records Act shall be provided to the parents or student upon the initial enrollment or transfer of a student. Notification shall be both in English and the primary language of non English-speaking parents, Rules and Regulations to Govern School Student Records, Article 3.
3. Information added to a student temporary record must include the name, signature and position of the person who added the information and the date of its entry, The School Code of Illinois, Article 50-4-d).
4. Each school shall maintain student permanent records for 60 years after the student has transferred, graduated or permanently withdrawn from school, The School Code of Illinois, Article 50-4-e).
5. No school shall maintain student temporary records beyond its period of usefulness or no longer than 5 years after a student has transferred, graduated or permanently withdrawn from school.

A school may maintain anonymous information for authorized research, statistical reporting or planning purposes, provided that no student or parent can be identified by the information, The School Code of Illinois, Article 50-4 (f).

6. Upon graduation or permanent withdrawal of a handicapped student, psychological evaluations, special education files and other information which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and parent the future usefulness of these records, Rules and Regulations to Govern School Student Records, Article 4.04.
7. Student temporary records shall be reviewed periodically for verification of entrees and elimination or correction of all inaccurate, misleading, unnecessary or irrelevant information, The School Code of Illinois, Article 50-4 (g).
8. Records shall be reviewed every four years or upon a student's change in attendance centers, Rules and Regulations to Govern School Student Records, Article 4.02.
9. Before any school student record is destroyed or information is deleted, the parents must be notified and given an opportunity to copy the information, The School Code of Illinois, Article 50-4 (h).
10. A parent or any person designated by a parent has the right to inspect and copy all school student records of that parent's child. A student has the right to inspect and copy his/her permanent record, The School Code of Illinois, Article 50-5(a).
11. The school or parent may request a qualified professional (i.e. psychologist, counselor or other advisor) to interpret the information contained in the student temporary record. If the school requires such a professional be present, or if the person requested by the parents is employed by the school district, the school shall secure and bear the cost of the presence of such professional, The School Code of Illinois, Article 50-5(b).

12. A parent's or student's request to inspect and copy records must be granted no later than 15 school days after the date of receipt of such request, The School Code of Illinois, Article 50-5 (c).
13. The school may charge its reasonable costs for copying records. No parent or student shall be denied a copy for inability to pay the cost of copying, The School Code of Illinois, Article 50-5 (d).
14. No school student records or information contained therein may be released, transferred, disclosed or otherwise disseminated, except:
 - 1) to a parent, student, or person designated as a representative of the parent,
 - 2) to an employee of the school district with current, demonstrable educational or administrative interest in the student,
 - 3) to the official records custodian of another school where the student has enrolled,
 - 4) to any person for research, statistical or planning purposes provided that no student or parent can be identified,
 - 5) pursuant to a court order,
 - 6) to any person as specifically required by State or federal law,
 - 7) in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons,
 - 8) to any person who has the written consent of the parent;The School Code of Illinois, 50
15. No information may be released unless the parent receives prior written notice of the nature and substance of the information proposed to be released, The School Code of Illinois, Article 50-6 (b).
16. Parents have the right to challenge the accuracy, relevance or propriety of any entry in the school student record, exclusive of academic grades of their child, The School Code of Illinois, Article 50-7 (a).
17. Each school shall establish procedures for parents to challenge the contents of student records. Such procedures shall include:

- 1) An initial conference with the parents, within 15 school days of receipt of a request for a hearing,
- 2) If the challenge is not resolved by the conference, a hearing officer shall be appointed and a formal hearing shall be held,

Rules and Regulations to Govern School Student Records, Article 9.03.

A Parent Perspective

All professionals have seen an increasing emphasis on parent and student rights. Certainly the right to see information compiled by others about yourself or your child is a basic freedom which should be, and is, guaranteed by law. Of equal importance with adherence to the law is the humane consideration which should be shown by institutions to individuals. Institutions are, after all, merely groups of individuals working toward a common set of goals. It is not difficult to place yourself in the role of parent; try to imagine the emotions one feels when trying to work with a system one does not understand.

Parents of handicapped children may be vitally interested and informed concerning the education of their children or they may appear apathetic and distrustful of the schools. Consequently, parents may feel that the school will indiscriminately distribute "private" information they have provided or hear negative information about them. Parents will become more at ease when they are certain of their rights in the area of confidentiality and record-review and the procedures we will take to insure that their rights are protected.

It is the duty, by law, of the school district to make all rights known to parents. This must be done in their native language. Notification may be through conference, direct mail, student handbook, etc. Section 3.04 of the Rules and Regulations to Govern Student Records (Illinois, 1976) outlines all notifications necessary to be delivered to parents.

School personnel cannot view parent participation in a child's education

as an intrusion. Parents must be encouraged to be involved; only through cooperative effort can the best education be arranged for a child.

Examples

Consider the following hypothetical situations related to school records and their review which might arise to cause disagreement between parents and the school district.

Example A

The parents of a child in a classroom for emotionally disturbed children rush into the principal's office one hot afternoon and demand to see his school records. They have heard through the "grapevine" that the record contains damaging statements concerning their family relationships. They are visibly angry and take an accusing position with the principal. They demand to see the records immediately. The principal calls the psychologist who is at that moment testing in another building and cannot be disturbed. The principal denies the request to see records at that time and requests the parents return the following day.

Questions:

1. Is the principal correct in his action?
2. Is he supported by law?
3. Why would he want the psychologist present when reviewing records?
4. What would you do as principal in this situation?

Example B

The social worker has visited a student's home several times due to the child's disruptive behavior in school and her repeated absences. The social worker has observed that the house is filthy, the children are not supervised, often there is little food and, on at least three trips to meet appointments with the mother, she was not at home. On one of these occasions, the student, who is seven years of age, and a five-month-old baby were the only people in the home. The student is a frail girl, who has exhibited "crying-spells" and temper tantrums at school. She appears to have normal intelligence but is far behind her class because she misses school so often. Almost all of the environmental factors of her life appear to be negative. The social worker must write a report.

Questions:

1. How would you phrase the report to be of greatest assistance to the child?
2. Can the social worker write down her opinions and observations?
3. If the social worker suspected physical abuse of the student, what can she put into the file?

Example C

The director of a special education unit has received some questions concerning a student. When he pulls the file, he finds a letter from a

local doctor dated January, 1973. The letter contains a long report which details a serious condition which is causing social/emotional problems for the boy. The letter is marked "confidential" and the doctor requests that the mother of the child not be told the results of the doctor's testing. He gives legitimate sounding reasons for his request, which include the supposed emotional reaction of the mother perhaps causing further pain to the boy.

Questions:

1. What would you do as director of special education?
2. What can you find in the law to help with your decision?
3. How would the situation differ if the mother had requested to see the file?
4. What would you do if a request to forward information came from a different agency?

Example D

A squad car from the local police department arrives at the door of the central administration building. The policemen obviously in a hurry, request the records for a specific student. They have no release form signed by the parents and they have no subpoena. They tell you it is an emergency.

Questions:

1. Should you release the records to the police? All of the

2. What does the law say concerning release of information in an emergency?
3. How would the situation differ if the police have a subpoena?

APPROPRIATE EDUCATION AND SUPPORT SERVICES

Exceptional children have often been placed in programs based on the best available alternative rather than in a program designed to meet their individual needs. Further, services have often been denied to handicapped children simply because the services were unavailable in the district.

It is now required that programs be developed based on an individual child's needs as indicated by the objectives we have set for his/her development. If the program specifies that a child needs specific support services, the district must provide them without expense to the parents. An exceptional child is entitled to equivalent programming for "normal" children; a handicapping condition must be accommodated by special service provision. In fact, the Rules and Regulations to Govern the Administration and Operation of Special Education clearly specify the nature and type of services which must be made available: itinerant or resource instructional services, speech and language services, psychological services, social work services, reader services, physical and occupational therapy, prevocational programming and consultive services related to special needs.

Legal Requirements

Specifically, the Rules and Regulations to Govern the Administration and Operation of Special Education state:

1. The local school district shall be responsible for ensuring that those children who require special education services enjoy rights and privileges equal to those of all other children, Article 2.04.

2. Facilities used for special education programs and services shall be appropriate to, and adequate for, the specific program or service. Such facilities shall be at least equal to those provided to the students in the standard program, Article 3.05.

3. Supportive services which shall be provided by the school district are:

Individual or small group instructional services, either itinerant or resource (for exceptional children whose educational needs can be adequately met through part-time instruction by a special education teacher). Part-time instruction shall be considered as less than 50% of the school day.

Speech and language services for all students with speech and/or language impairments which interfere with their educational or social development.

School psychological services to and on behalf of students who require psychological evaluation and assistance in their educational or behavioral adjustment.

School social worker services to and on behalf of students whose educational or behavioral development is restricted due to social or emotional considerations, family circumstances or problems of the environment.

Special reader services for children whose educational development can be significantly assisted by the provision of such services. Reader services shall be planned and supervised by appropriate certified personnel.

Braillists and typists for exceptional children with visual impairment. These services shall be provided when it is determined that the child's educational development would be significantly facilitated by their availability.

Therapy, for exceptional children whose educationally related, therapeutic needs have been determined in a multidisciplinary staff conference.

Physical and/or occupational therapy shall be provided for exceptional students whose physical impairments require appropriate therapeutic attention if the students are to receive full benefit from the instructional program provided them.

Consultant services, the nature of which is determined, by the needs of exceptional children, Article 5.01.

4. Prevocational programs consisting of organized instructional experiences, training, experiences, and supportive services shall be provided to exceptional children whose future occupational adequacy can be enhanced by appropriate preparatory experiences, Article 6.01.

Parent Perspective

The provision of special services to help a child often causes problems for parents. Parents may be asked to complete unfamiliar, difficult forms, they may be asked to "acknowledge" a handicapping condition they have essentially denied and they may perceive the support personnel to be intruders in their lives. To effectively deal with parents, we must consider the characteristics and potential needs of parents.

Consider the social needs of parents. Parents often fail to follow up on appointments or fail to respond to requests for home visits by social workers or nurses. In-house discussions frequently lead to labeling these parents as simply "uncooperative". Yet, there may be several motives for their behavior. First, our presence and a discussion of their child places them in a position of acknowledging a problem - we may be forcing them to recognize a condition they have attempted to deny or reducing their "hope" that everything is okay and the child's problem will resolve itself. Secondly, the visit of individuals representing pupil personnel services may be received by parents from the neighbors' perspective. Parents may perceive that the arrival of a social worker or nurse, for example, will be viewed by others as indicating they are on welfare or that other kinds of problems exist, e. g., something is wrong with their marriage. On the other hand, some parents may solicit increased support from service providers -- to the extent that parent become too dependent on our presence.

We have a responsibility to assist parents in locating other support services in the community, e.g., parent groups, for meeting their needs and should be prepared to direct them to agencies where these needs can be most effectively provided for.

Consider the parents' educational backgrounds and biases. Parents may fail to complete necessary forms not because they are reticent, but because they simply are unable to do so -- they may not understand. We should always be prepared to provide assistance in a way that is not demeaning. Further, parents may be reluctant to accept service prescriptions because they have many unanswered questions, questions which may not be raised openly -- it's hard sometimes to admit that we are uninformed even where we would not necessarily be expected to be knowledgeable. Fully describe the support services available, the objectives to be met by these services and the specific services their child will receive. In other words, tie the service to their child's potential progress, how the service will be provided, how often the child will receive the service and how the service provisions will affect their lives or their child's, e.g., the child will visit the social worker one hour per week during a "free" period. We shouldn't leave it at that. The best way to achieve parent support of our activities is to demonstrate the effects of these services. Continue to provide follow-up on the progress made as a consequence of services delivered whether

the services are provided to the parents or to the child -- progress is not always obvious; we should be prepared to indicate where it has occurred in terms of the goals we are trying to reach together.

Examples

Review the following hypothetical situations related to support services which might cause disagreement between parents and the school district.

Example A

A child with epilepsy and distinctly delayed motor development has entered your school. His family physician has suggested that physical therapy might benefit the child, a thorough assessment by another physician and the program staff has indicated that it would not benefit him. Yet, the parents demand that the service be provided.

Questions:

1. Are the parents justified in their demand?
2. Would you provide the service? Why or why not?
3. What procedures would you follow in dealing with this situation?

Example B

A junior-high-school student in the special education program has been repeatedly bruised and injured prior to arriving to school. The child initiated the request for assistance by the social worker. However, because the injuries

were inflicted by his parents, the child requested that the parents not be informed that he is receiving this assistance.

Questions:

1. Is the staff required to contact the parents?
2. Should the service be provided independently of parent permission?
3. What procedures would you follow in this case?

SUSPENSION OR EXPULSION FROM SCHOOL

Sometimes it may seem that the best alternative for a student, for us or for other children in the class would be to remove the student from the school program. However, a child expelled or suspended can't really learn new behaviors that are acceptable in the school environment. Also, we should remember that just a few short years ago students were "removed" for very minor events in order to "get rid of them." Students have a right to education; expulsion should be the last resort. In fact, as part of our decision-making we might ask, "Will suspension or expulsion lead to desired behavior change? Will suspension or expulsion lead to the child's meeting new developmental objectives?"

On the other hand, we cannot allow a given child to engage in activities which are a threat to himself, others and/or school property. Even a child can be dangerous; suspension or expulsion may be the least serious alternative.

Legal Requirements

The Rules and Regulations to Govern the Administration and Operation of Special Education include specific sections dealing with situations requiring such action:

1. No exceptional child may be permanently excluded from the public schools, Article 2.04 (1).
2. A child cannot be expelled for a behavior or condition related to or resulting from his handicap, Article 2.04 (2).

3. A child can be suspended if he poses a threat to himself, other students, the faculty or school property, Article 2.04 (2.a).
4. If a child is suspended, an educational program must be provided, Article 2.04 (2.b).
5. Parents have the right to an impartial due process hearing if their child is suspended for more than 10 days during a given school year, Article 10.01 (1.i and j).

A Parent Perspective

If we want parents to support us in developing effective programs, we must consider the effects of our decisions on them. Even better, we should attempt to involve them in all decisions related to their child.

The first assumption we should make is that parents are not opponents of education; they, too, are interested in experiences which will help their child to be more capable -- program decisions should, in some way, be related to this outcome.

However, we all know that some parents have negative attitudes toward the school and are often uncooperative as a consequence. They may, in fact, be partly responsible for the child's behavior which results in suspension. We must attempt to elicit parent support and we must be prepared to justify our decision should a parent request a hearing.

Both outcomes may be achieved through the same consideration: involve parents before major problems occur and don't blame them for the child's behavior.

Major problems, i.e., behaviors which would require suspension, usually do not occur "out of the blue." Frequently, they are preceded by a series of behaviors or events which could be dealt with in cooperation with parents. This does not mean we should create a parent "monster" -- our punitive agent in the home. However, we should elicit the parents' support in dealing with behaviors as part of our on-going program for the child. This may require our support in teaching parents how to deal with behaviors

without extreme punishment which may lead to guilt on their part, greater problems for the child and increased rather than decreased behavioral problems in the school. Further, we want to assure that the desired effects of our decisions are realized. If a child is suspended, supposedly a time away from something positive, i.e., one school program, and parents allow the child to go out and meet with other children, party at home, etc., we may actually find that the child enjoys suspension more than he enjoys school -- he may behave more often in ways which will lead to his being removed from the school program.

Based on these variables, we can generate "rules" for our consideration when suspension seems in order:

Don't shock parents. Involve parents in on-going problems in such a way that they realize suspension might ultimately be required.

Make certain that suspension is the best alternative. Consider other alternatives by which the child's behavior might be changed in the school without removing him from it; demonstrate how suspension is intended to resolve the problems rather than being used solely to punish the child.

Plan a program with the parent to assure that suspension has the desired

effect. Suspension should be a learning experience; plan with the parents to assure that the child does not receive greater benefits through suspension than he would normally receive.

Don't ask parents to be "super-punishers." The consistency that we desire can be achieved through removal of major privileges from the child; parents should be asked to remove positive outcomes the child might derive from suspension and encourage them not to be physically aggressive toward their child because he is "bad."

Consider parent needs. Suspension may interfere greatly with the lives of parents, i.e., disrupting work and other activities. Consider how interference can be reduced and demonstrate how any resulting inconveniences will (should) help their child.

Examples

Consider the following examples of hypothetical situations related to suspension and expulsion which could create disagreements between parents and the school district.

Example A

A trainable mentally retarded child has been enrolled in a public school program. Unfortunately, he has been extremely aggressive and does not understand the consequences of his actions. Another child in the program was seriously injured when hit by this individual.

Questions:

1. Should this child be expelled or suspended from school?
2. How would you justify your decision?
3. What alternatives would you consider and test before taking such action?

Example B

The school in which you teach has a rule requiring that any child caught smoking on the premises be suspended for three days. An educable mentally handicapped child was "caught" with a cigarette in his hand in a smoke-filled

bathroom. The child was suspended the following day after his parents were called.

Questions:

1. Was this procedure appropriate? Why or why not?
2. What prior arrangements with the parents would you make if you were going to suspend this child?
3. Are there rules in your school which require suspension which should be evaluated?

Example C

A child from the program for the educable mentally handicapped in your school continues to break rules which are both threatening to himself and others, and he has not responded to repeated explanations. Finally, in disgust, the principal suspends the child for three days. Immediately, the parents call the principal and indicate that they do not feel you are doing the child any good since he is already a behavior problem at home and this action will only increase the problem.

Questions:

1. How would you respond to this charge?
2. What objectives would you indicate are being met by suspension?
3. What would you suggest to parents as procedures by which to make the "experience" meaningful?

SUMMARY

This overview of parent rights was intended to provide a general introduction and knowledge-base for dealing with on-going decisions related to programming for handicapped students. Specifically, you have considered several legal requirements affecting school personnel in the areas of due process, assessment, multidisciplinary conferences, individualized planning, placement, student records, support service provision and suspension/expulsion. It is critical that we not only be familiar with the laws affecting our day-to-day interactions with parents, but that we also maintain an awareness of parent' biases, concerns and needs which will influence their reaction to us and the decisions we make.

Again, as a further activity for development, it is recommended that the following documents be carefully reviewed and used as original source material:

Rules and Regulations to Govern the Administration of Special Education.
Springfield: Illinois Office of Education, August, 1976.

Rules and Regulations to Govern School Student Records. Springfield:
Illinois Office of Education, 1976.

Education for All Handicapped Children Act, Public Law 94-142,
Section 612 (5) (A) -615.

GLOSSARY

The terminology used in this program reflects the wide variety of expressions the authors found being used in discussion related to special education. For consistency in communication, professionals should attempt to use the specific language contained in Article I of the Rules and Regulations to Govern the Administration and Operation of Special Education. The following list represents the precise definitions included in Article I with the inclusion of words which appeared to be used as synonyms.

Standard Education

shall be defined as the educational program generally offered by the local school district to the majority of its students (REGULAR CLASS, GENERAL EDUCATION, REGULAR EDUCATION/ PROGRAM).

Special Education

shall be defined as those instructional programs, supportive services, unique materials, physical plant adjustments and other special educational facilities described or implied in Article XIV of The School Code of Illinois which, to meet the unique needs of exceptional children, modify, supplement, support or are in place of the standard education program of the public schools (SPECIAL PROGRAM).

Exceptional Children

shall be defined as all children designated in Article XIV of The School Code of Illinois. These children may exhibit handicapping or exceptional characteristics ranging from very mild to very severe (HANDICAPPED CHILDREN).

Case Study	shall be defined as all those activities which contribute to an understanding of the child and his educational difficulties (ASSESSMENT, EVALUATION, PSYCHOLOGICAL EVALUATION).
Staff Conference	shall be defined as a deliberation among appropriate professional persons for the purpose of determining eligibility for special education, determining the provision of special education, reviewing educational progress or considering the continuation or termination of special education for an individual child (PLACEMENT STAFFING, ANNUAL REVIEW, STAFFING, MULTIDISCIPLINARY CONFERENCE, IEP CONFERENCE).
Case Study Evaluation	shall be defined as a series of in-depth multidisciplinary diagnostic procedures, conducted within an established time frame and designed to provide information about the child, the nature of the problems which are or will be affecting his educational development and the type of intervention and assistance needed to alleviate these problems.
Least Restrictive Alternative	shall be defined as the process of considering all possible educational alternatives and selecting that educational setting which is the least restrictive of the child's interaction with his non-handicapped peers (LEAST RESTRICTIVE ENVIRONMENT, APPROPRIATE PLACEMENT).
Special Education Placement	shall be defined as the provision of specified special education services, including and limited to a special education instructional

program, special education instructional service, speech and language service, homebound service and referral to a nonpublic facility (SPECIAL CLASS PLACEMENT).